

No. 19-13/2011-CWG
Government of India
Ministry of Communications & IT
Dept. of Telecommunications

Room No. 620, 6th Floor,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Near Zakir Hussain College,
New Delhi, dated the 28th December, 2015

OFFICE MEMORANDUM

Sub: Implementation of Hon'ble CAT, Jaipur order dt. 09.07.2014 in OA No. 128/2011 - Shri Bhupender Singh Vs UOI.

The undersigned is directed to refer to your representation dt. 18.07.2014 in accordance with the Hon'ble CAT, Jaipur's directions dt. 09.07.2014 issued in OA No. 128 of 2011, wherein you have prayed for the following:

- i. My representation may kindly accepted and considered favourably.
- ii. I may kindly be considered for further promotion of EE on the basis of educations qualification of Diploma (Civil) with more than 10 years regular service in AE (C) and
- iii. Necessary orders may kindly be issued at the earlier.

2. The Hon'ble CAT, Jaipur's order issued in the instant case relied on the judgement in OA NO. 2651/2012 in the case of T.R. Sharma Vs UoI involving similar issues and CWP No. 5203/2010 decided by Punjab & Haryana High Court on 23.01.2012 between Narendra Singh Yadav Vs State of Haryana and the orders passed by Hon'ble Supreme Court of India in SLP No. 10396 of 2008.

3. Whereas, in compliance of Hon'ble CAT, PB, New Delhi orders dt. 26.04.2013 in OA No. 2651/2012 in the case of T.R. Sharma Vs UoI involving similar issues, DoT has issued an OM dt. 11.02.2015 conveying that, "....

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Applicants may be considered for grant of this benefit in terms of Government of India instructions dt. 26.05.1977 by which diploma in Engineering with ten years technical experience has been recognised as equivalent to degree in Engineering" issued with the approval of the competent authority.

4. Whereas, while considering the representation, it was felt to have the view of DoP&T on the implementation of Hon'ble CAT, Jaipur order dt. 09.07.2014 in OA No. 128/2011. Accordingly, DoP&T was consulted, who advised to seek the fresh advice from MHRD on the Notification dt. 26.05.1977.

5. Whereas, MHRD had stated as follows:

"views on further promotion can't be formed on the basis of purported draft notification No. 18-19/75/T-2 dt. 27.05.1977 procured by the applicants which appears to be fictitious. Any view may be made only on original Notification if any published in Gazette of India. (Copy of purported notification dated 27.05.1977 is enclosed for perusal and necessary action).

"The purported Notification is a copy bearing No.18-10/75 T-2 dt. 26.05.1977 may have been fictitious notification that is why it does not appear to have been published in the Gazette of India. The Applicants should have produced the copy of Gazette Notification published by the Controller of Publication, Delhi -110054 as produced in other cases in the file itself. The above submission has already been vetted by ministry of Law & Justice separately".

"In view of the above, we are not in a position to support the purported Notification"

6. In the light of the above comments of Ministry of Human Resource Development, Dept. of Higher Education, your representation dt. 18.07.2014 has been considered in the light of fresh views/ comments of MHRD. Since the purported notification dated 26.5.1977 has not been supported by MHRD, it is observed that diploma in Engineering with ten years technical experience cannot be considered as equivalent to degree in Engineering for granting promotion to

the grade of EE (C). Hence, your representation for consideration for promotion to EE(C) on the basis of educations qualification of Diploma (Civil) with more than 10 years regular service in AE (C) cannot be considered, and is accordingly, rejected.

7. This issues with the approval of the Competent Authority.

21/12/15

(D.S.S. Srinivasa Rao)
Under Secretary to the Govt. of India
Tel: 23212350

Shri Bhupender Singh,
(Through Dept. Of Post)
Chief Engineer (Civil)
Dak Bhawna,
New Delhi.

Copy for information to:

1. Sr.PPS to Secretary (T), DoT, Sanchar Bhawan, New Delhi
2. Sr.PPS to Secretary (P), DoP, Dak Bhawan, New Delhi
3. PPS to Member (T), DoT Sanchar Bhawan, New Delhi.
4. PPS to Member (Pers), DoP, Dak Bhawan, New Delhi
5. Director (IT), DoT, Sanchar Bhawan, New Delhi with a request to upload the order on the DoT website at BW/Circulars